



THE REGIONAL PLANNING COMMISSION

County of Los Angeles

MINUTES

Meeting Place: Room 150 Hall of Records
320 W. Temple Street
Los Angeles, California 90012

Meeting Date: August 17, 2016 - Wednesday

Time: 9:01 a.m.

Present:

Commissioners Smith, Louie, Shell, Modugno

Absent: Commissioner Pedersen

Ex Officio Members:

Director of Public Works: Mr. Matthew Dubiel, Senior Civil Engineer

County Counsel: Ms. Elaine Lemke, Acting Division Chief of Property
Mr. Joe Nicchitta, Deputy

Planning Director: Mr. Mitch Glaser, Assistant Administrator, Current Planning Division

Forester and Fire Warden: Mr. Wally Collins, Fire Prevention Engineer

PLEDGE OF ALLEGIANCE

1. The Pledge of Allegiance was led by Commissioner Shell representing the Third Supervisorial District.

APPROVAL OF AGENDA

2. Motion/second by Commissioners Modugno/Shell – That the agenda for August 17, 2016 be approved.

At the direction of the Vice Chair, the agenda was approved with Commissioners Modugno, Shell, Smith and Louie in favor and Commissioner Pedersen being recorded as absent.

COUNTY COUNSEL REPORT

3. There were no reports given by County Counsel.

DIRECTOR/DEPUTY DIRECTOR

4. There were no reports given by Director/Deputy Director.

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PUBLIC HEARINGS

Land Divisions

Action Taken as Noted

5. **(Continued from 06/08/16). Project No. 00-136-(5). Applicant: Lennar Homes of California. 26300 Pico Canyon Road. Newhall Zoned District. a. Vesting Tentative Tract Map No. 52796. To create 102 single-family lots, eight (8) open space lots, 10 public facility lots, and one lot for a private fire access road (121 total lots) on 230.5 gross acres in the A-2-2 (Heavy Agricultural—Two Acre Minimum Required Lot Area) Zone. Also to transfer 30 dwelling units from the U-2 land use designation to the HM land use designation as allowed under the policies of the 1990 Santa Clarita Valley Area Plan. b. Conditional Use Permit No. 00-136. To authorize a density-controlled development exceeding the low-density threshold within a hillside management area and on-site grading in excess of 100,000 cubic yards. c. Oak Tree Permit No. 00-136. To authorize the removal of one non-heritage oak tree. d. Environmental Assessment No. 00-136. To consider an Environmental Impact Report with impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, and traffic and transportation considered and reduced to less than significant with project design features and mitigation measures pursuant to CEQA reporting requirements.**

Commissioner Shell informed the Commission that she had to recuse herself from any testimony from this item due to conflict of interest.

Commissioner Modugno stated that he was absent on June 8, 2016 but had reviewed and listened to the materials for this project and would be able to participate in voting.

Mr. Montgomery presented the staff report and stated that the applicant has not made any design changes to the proposed project as requested by the Commissioners from their previous meeting. He stated the applicant did have a tentative agreement with the City of Santa Clarita to take ownership of the natural open space area, along with a maintenance endowment.

Testimony was followed from the applicant's representatives Craig Whitteker and Jeffrey Springer in favor of the project. They made a presentation that documented the significant reduction in dwelling units and grading that the project had undergone since its initial submittal in 2000, resulting in what they believe to be the best feasible project for the site. They also explained how grading on the site would eliminate all existing surficial failures, and that the Department of Public Works had reviewed and approved the applicant's geotechnical reports.

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PUBLIC HEARINGS (Cont.)

Land Divisions

Mr. David Bossert of the West Town Ranch Town Council spoke in favor of the project, stating that it had been reviewed and approved by his commission. Secondly, five representatives of local charities also spoke in favor of the project, stating that a portion of proceeds from the sale of the site would be distributed to their groups by the Aidlin Trust.

In addition, two speakers testified in opposition to the project. Mr. Paul Edelman of Santa Monica Mountains Conservancy (SMMC) and Ms. Lynne Plambeck of Santa Clarita Organization for Planning & the Environment (SCOPE) voicing their concerns that the project destroyed large amounts of mountain habitat, exposed residents to fire danger, and did not conform to current planning trends away from suburban sprawl. Also, that the EIR is inadequate, and believes that all potentially significant impacts have not been mitigated to a level of no significance through the MMRP. They question why the site is not being developed under the "One Valley, One Vision Density Control Alternative" of the EIR. Mr. Edelman stated that there is no adequate public access, and felt the Commission was approving and protecting one sub-division to another.

Lastly, Mr. Manny Santana voiced his concerns stating his belief that he had an access easement across the property.

Commissioner Modugno requested that staff draft an additional condition of approval requiring the transfer of open space lots to the City of Santa Clarita, along with a maintenance endowment development rights for the open space and that the method of maintenance for the open space be reviewed by the Director of Regional Planning, in consultation with the Fire Department.

Motion/second by Commissioners Modugno/Louie - That the Regional Planning Commission close the public hearing and certify the final environmental impact report associated with Environmental Assessment No. 00-136, along with required Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program for the project pursuant to state and local CEQA guidelines.

Motion/second by Commissioners Modugno/Louie – That the Regional Planning Commission approve Tentative Tract Map No. 52796, Conditional Use Permit No. 00-136, and Oak Tree Permit No. 00-136 with findings and conditions and modifications as discussed above.

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PUBLIC HEARINGS (Cont.)

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At the direction of the Vice Chair, the item passed with Commissioners Modugno, Louie and Smith in favor and Commissioner Shell as recusing herself from participating and Commissioner Pedersen being recorded as absent.

The appeal period for this item ends on Wednesday, August 31, 2016.

Zoning Permits - East Section

Action Taken as Noted

6. **Conditional Use Permit No. RPPL2016000939-(1). Applicant: 7-Eleven Inc. 3517 E. 1st Street, East Los Angeles. East Los Angeles Zoned District. To authorize a Conditional Use Permit for the sale of beer and wine for off-site consumption (Type 20 alcohol license) at an existing 7-Eleven convenience store in the FS (First Street) transect zone within the unincorporated community of East Los Angeles. The project is categorically exempt Class 1 – Existing Facilities pursuant to CEQA reporting requirements.**

Mr. Mar requested that the item be continued to allow further discussion with the applicant regarding their conditions of approval.

Motion/second by Commissioners Shell/Louie – That the item be continued to Wednesday, September 28, 2016 in order for staff to have further discussions with the applicant regarding their conditions of approval.

At the direction of the Vice Chair, the item was continued to Wednesday, September 28, 2016.

Land Divisions

Action Taken as Noted

7. **Project No. 02-201-(3). Applicant: James Rasmussen. Along Liberty Canyon at Park Vista Road. The Malibu Zoned District. a. Modification / Elimination of Conditions. Conditional Use Permit No. RPPL2016002885. To authorize modification of a condition of approval of previously approved CUP CP02-201 to allow retroactive authorization for 2,544 cubic yards of import grading in the A-1-5 (Light Agricultural - Five Acres Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.100. b. Environmental Assessment No. 201500175. To consider**

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an Addendum to a previously certified and adopted Mitigated Negative Declaration with impacts to geotechnical, flood, water quality, biota, cultural resources, visual qualities, utilities, education and utilities/sewage disposal reduced to less than significant with mitigation measures pursuant to CEQA reporting requirements.

Mr. Jones informed the Commission that the request was to allow retroactive authorization for 2,544 cubic yards of import grading. An addendum to the adopted Mitigated Negative Declaration concluded that the proposed modification to the CUP would not result in any increased or additional environmental impacts.

Followed by testimony from James Rassmussen applicant, Steve Hunter, representative and Blake Rassmussen in favor.

Additional testimony was received from the public by Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (LVHF) stating that the project be denied or continued as the project was premature and would reward illegal activity to continue by the developer for gain, at the expense of regulations and resources. Ms. Lamorie stated that the environmental impacts of the project are significant and it lies within a designated Significant Ecological Area (SEA) adjacent to state park wildlands and is in a wildlife corridor pathway to the Liberty Canyon wildlife overpass. Ms. Lamorie requested that the applicant meet with the community to obtain input not only on the proposed housing tract project, but on mitigation for his prior illegal activities.

Paul Edelman stated that the EIR was inadequate, and believed that all potentially significant impacts have not been mitigated to a level of no significance through the Mitigation Monitoring Reporting Program (MMRP). He stated that 2,544 cubic yards of import grading which is a violation to the biologically significant area. He requested that 3 additional conditions should be incorporated: 1) Open Space Lot 9 to Conservancy dedicated to the Santa Monica Mountains Conservancy; 2) Open Space Conservation Easement; and 3) Open Space Native Vegetation Easement. The retroactive approval of the unauthorized grading shall not become effective until such dedication is accepted by a public park agency and recorded in the Los Angeles County Recorder's office.

Commissioner Shell informed the members of the public that the Tract Map No. 53100 had been approved and recorded and that the applicant was requesting to remove the condition prohibiting the import of earth materials and to retroactively authorize the import of earth materials since the imported fill material avoids naturally sloping topography and the SEA and does not exceed the threshold requiring a new CUP. The Commissioner went on to say the import of earth material for grading avoids further cut and more

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grading to the surrounding hillside located within the Santa Monica Mountains Significant Ecological Area (SEA).

Commissioner Shell stated that due to the sensitivity of violations that occurred with previous grading, and further after-the-fact grading, that more time was needed to address the community concerns. Commissioner Shell requested that she would like to see more tightly-written conditions in general and that staff should work with the applicant on a resolution to dedicate open space to a public agency now rather than have it be tied to a time-frame prior to building permits.

Motion/second by Commissioners Shell/Modugno – That the item be continued to Wednesday, October 19, 2016 to allow staff to work with the applicant with the concerns raised above.

At the direction of the Vice Chair, the item was continued to Wednesday, October 19, 2016.

MISCELLANEOUS

5. Project No. 00-136-(5) - Call for review by Commissioner Smith.

Motion/second by Commissioner Modugno/Louie – That item No. 5 – Project No. 00-136-(5) be called up for review to correct the appeal date of Wednesday, August 31, 2016 to Monday, August 29, 2016.

At the direction of the Vice Chair, the correct appeal date was accepted.

PUBLIC COMMENT

8. **Public comment pursuant to Section 54954.3 of the Government Code.**

Lynne Plambeck, Santa Clarita Organization for Planning & the Environment (SCOPE) raised her concerns how the County of Los Angeles and the Department of Regional Planning process projects when developers and operators of projects are in violation and they come back seeking waivers.

She stated the Director of Planning, Mr. Bruckner issued a waiver allowing Chiquita Canyon Landfill to continue accepting trash beyond its approved capacity while the landfill's expansion plan works its way through the approval process. Clean hands

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PUBLIC COMMENT (Cont.)

waivers are granted at the sole and final discretion of the Director of Regional Planning and there is no way to appeal once a waiver has been granted. Ms. Plambeck stated that the waiver would allow Chiquita Canyon to continue their operation until the Regional Planning Commission reviews the application to expand.

Erica Larsen voiced her concerns that the clean hands waiver issued to the Chiquita Canyon landfill breached its contract under its 1997 conditions of approval, requiring the landfill to close once it hits 23 million tons maximum or on November 29, 2019 whichever is earlier.

She stated that the community was not properly notified and Condition No. 44 states that community groups should be notified of any alterations to the Conditional Use Permit. The community is experiencing daily odors and having to close their windows.

Cam Noltemeyer voiced her concerns on the disappointment with the City of Santa Clarita and the County of Los Angeles Regional Planning Commission on how plans changed drastically with contingent negotiated back-room deals. She stated that Chiquita Canyon continues to violate their conditions of approval with no enforcement action being taken. The residents are concerned about air and water quality in the area and the landfill's effects on public health.

Commissioner Smith thanked the members of public for their comments and stated that the Commission relies on conditions in evaluating and approving projects with enforcement and compliance. He requested that staff report back with an overview of the department's challenges for monitoring and enforcing the conditions. Mr. Glaser replied that a discussion will be scheduled in accordance with the Commission direction.

CONTINUATION OF REPORTS

9. Possible Call for Review of Decisions by Hearing Officer, pursuant to Section 22.60.200 of the Los Angeles County Code.

There were no items Called up for Review by the Commission.

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CONTINUATION OF REPORTS (Cont.)

10. Commission/Counsel/Director Reports

Director Reports

Mr. Glaser reported on the Safe Access to Alcoholic Establishment (SAAFE) that the Department of Regional Planning will be holding listening sessions throughout the unincorporated communities scheduled for September 2016. In addition, a flyer is being prepared for these sessions and we will report back to the Commission on the status of the listening sessions.

Mr. Child reported to the Commission that the Board of Supervisors took the position to oppose the Governor's bill to streamline Affordable Housing Approvals, unless amended to expedite entitlement and environmental reviews for affordable housing developments and opportunities that may exist to further expedite these reviews.

Mr. Child stated that rather than eliminate reviews, the bill was amended to increase the level of affordability so that at least 25% of the total housing units are for very low income or below in order to qualify for any expedited process.

In addition, that any expedited review and streamlining efforts only be available to projects that do not ultimately displace existing residents or result in a net loss of existing affordable housing.

Mr. Child stated that the Department of Regional Planning (DRP), County Counsel, Chief Executive Office and the County's Legislative Representatives are working together to advocate for legislative changes in CEQA to expand applicability of the streamlining provisions while retaining local land use discretion and environmental protection, and to allow local jurisdictions to prepare local mandatory rental inclusionary ordinances in-lieu of the Governor's bill.

DRP is also pursuing other opportunities for affordable housing creation and preservation, including efforts to combat and prevent displacement of existing low-income residents. DRP is assessing strategies such as value capture, inclusionary zoning, a linkage fee, community land trusts, and other shared equity models.

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CONTINUATION OF REPORTS (Cont.)

Commission

Election of Chair for remaining calendar year 2016.

Motion/second by Commissioners Modugno/Louie – That the Regional Planning Commission elects Commissioner Shell as Chair for Regional Planning Commission for remaining calendar year 2016.

At the direction of the Vice Chair, the vote was approved with Commissioners Modugno, Louie, and Smith in favor and Commissioner Pedersen being recorded as absent.

ADJOURNMENT

A recording of the testimony received and the discussions held at this meeting and a copy of all findings and resolutions acted upon by the Commission are on file in the Department of Regional Planning.


The Commission adjourned at 11:23 a.m. to Wednesday, August 31, 2016.



Rosie O. Ruiz, Commission Secretary

ATTEST

APPROVE



Doug Smith, Vice Chair



Mitch Glaser, Assistant Administrator
Current Planning Division